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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 002994

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [KJUS](#) [ASEC](#) [TH](#)
SUBJECT: TRIBUNAL DISSOLVES THAI RAK THAI, STRIPS
EXECUTIVES OF POLITICAL RIGHTS

REF: A. BANGKOK 2993 (DEMOCRAT PARTY CLEARED)
[1](#)B. BANGKOK 2956 (UPCOMING RULINGS)
[1](#)C. BANGKOK 1587 (ANTI-COUP PROTESTORS)
[1](#)D. BANGKOK 1034 (DEFYING RESTRICTIONS)

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Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) The Constitutional Tribunal on May 30 ruled that the Thai Rak Thai (TRT) party committed undemocratic acts in the April 2006 election; the Tribunal ordered the party's dissolution and stripped all members of the executive board of their political rights for five years. Leading TRT figures expressed disagreement with the ruling and said they would strive peacefully to change it. There is no established procedure for overturning the ruling, and TRT may have difficulty reconstituting itself as a new party. If elections take place in the near future, as promised, the Democrat Party will have an enormous advantage over competitors. However, the passage of a new constitution in the upcoming referendum may now prove more difficult, as disgruntled TRT figures might mobilize their supporters against the draft. End Summary.

THE RULING

[1](#)2. (C) At almost midnight on the night of May 30, members of the Constitutional Tribunal finished reading a lengthy (six hours) ruling in the case alleging undemocratic acts committed by TRT (ref B). The Tribunal members determined that then-Deputy Leader of TRT Thammarak Isarangura na Ayuthaya and another party executive, Pongsak Ruktapongpisal, paid non-TRT politicians to set up straw man competitors for TRT in the April 2006 election. The Tribunal members also denounced TRT in harsh terms as an undemocratic party, saying that TRT sought to advance the personal fortune of former Prime Minister Thaksin Shinawatra, and did not represent "a genuine party with any ideology." (Comment: Most political parties in Thailand have been non-ideological vehicles to advance the power, prestige, and wealth of the party leaders.

TRT had a clear, populist platform and did more to deliver on its promises to voters than any other party in Thai history. End Comment.)

¶3. (C) In ordering the dissolution of TRT, the Tribunal members imposed a five-year ban from politics on the entire executive board, as comprised at the time of the April 2006 election. (Prior to the verdict, most lists in circulation showed 119 members, but the Tribunal used a list of 111 names.) The Tribunal also dissolved two small and insignificant parties that conspired with TRT -- the Thai Ground Party and the Develop the Thai Nation Party -- and imposed the same ban on their executive boards.

THE REACTION

¶4. (C) TRT figures publicly expressed their disagreement with the ruling. Acting TRT Party Leader Chaturon Chaiseng denounced it as unacceptable and labeled the current Thai government as a "dictatorship." (At one point during his remarks, television stations interrupted coverage, presumably because they did not want to offend the authorities.) Chaturon also called for people to remain calm, however, saying that he would strive peacefully to undo this decision.

Many leading TRT figures pledged publicly that, at the encouragement of their constituents, they would try to remain united in a political grouping of some form and continue their involvement in politics. Still residing abroad, former Prime Minister Thaksin Shinawatra told the Thai public, through a letter publicized by his lawyer, that he would accept the ruling. Nationwide, the response to the ruling has remained peaceful. Naturally, some of Thaksin's ardent foes, such as former Senator Kraisaak Choonhavan, have enthusiastically welcomed TRT's dissolution.

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¶5. (C) Speaking by phone with the Ambassador on May 31, Chaturon privately reiterated his intention to work to establish a new party, saying the TRT figures banned from holding formal positions could nevertheless play an informal role. He said he would try to ensure that TRT's non-banned former legislators would remain committed to TRT (he claimed TRT still controls 170 former, non-banned MPs), and that some who had left the party in the wake of the coup might now return. Chaturon remarked that no other politicians had taken up the populist policies TRT had championed, so a successor party could easily define itself in terms appealing to TRT's constituents.

FEW OPTIONS

¶6. (C) Despite TRT figures' professed intention to appeal the ruling, there is no legal mechanism to seek to overturn the Tribunal's decision. It remains unclear, too, whether TRT officials who did not hold executive board positions will be able to register a new party with the TRT name, in accordance with TRT's leaders' declared intentions. A decree of the coup leaders that prohibits all party activities -- including the registration of new parties -- remains in effect (ref D).

Also, the harsh language in the Tribunal's ruling may embolden Election Commission officials who might like to reject a registration application for any new party that clearly represents a reincarnated version of TRT.

WHO MIGHT TAKE THE PLACE OF THE DISENFRANCHISED?

¶7. (C) Because the most influential and prominent figures in TRT held positions on the executive board, it is unclear who might lead any new version of TRT. Still-ambitious former Prime Minister Chavalit Yongchaiyudh, who in 2001 merged his New Aspiration Party with TRT, made noises post-coup about taking over TRT; he may try to incorporate the TRT network

into a new political machine. Some have also speculated that Thaksin's wife, Potjaman, might step into a leading political role, although she appears preoccupied with charges of tax evasion and other investigations into her family's financial affairs.

18. (C) The politicians who benefit the most from this ruling are those in the Democrat Party (DP), who were spared a similar fate (ref A), and whose main rivals are now barred from political competition. Should elections take place in the coming months, as promised, it is difficult to imagine any newly established party overcoming the DP's advantages. DP Deputy Leader (and former Foreign Minister) Surin Pitsuwan on May 31 gave the Ambassador an upbeat assessment of the party's prospects; the only drawback, he noted, was that the international press seemed somewhat sympathetic to TRT, painting the ruling as a political manifestation of the coup leaders' agenda. Surin told the Ambassador that he was already planning a campaign to appeal to voters in TRT's strongholds. (Comment: We believe the DP's ability to appeal to TRT voters remains in doubt. End Comment.) In a show of good sportsmanship, DP Party Leader Abhisit Vejjajiva called publicly for TRT to be allowed to register as a new party using its old name.

COMMENT/OUTLOOK

19. (C) We expect TRT figures to continue advocating peaceful efforts to restore their political rights and establish a TRT successor party to compete in elections. Sympathetic or proxy groups (ref C) seem likely to continue trying to increase pressure on the authorities, but by manipulating unrelated issues. (For example, one such group has petitioned for Prime Minister Surayud's impeachment, claiming he was remiss in not firing Army Commander Sonthi Boonyaratglin after discovering Sonthi practices polygamy, contrary to Thai law.)

110. (C) It also now appears more likely that TRT will attempt to turn the upcoming referendum on the draft constitution

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into a referendum on the coup and the current regime; Arsa Sarasin, the King's Principal Private Secretary, told the Ambassador on May 31 that he worried this would happen, and the draft constitution might well fail to pass. Arsa considered the Tribunal's ruling to be "very drastic," saying it "invites problems." Public rejection of the charter could be interpreted as signaling the illegitimacy of the current regime, possibly enabling a dramatic change that could lead to a politically-driven reversal of the Tribunal ruling. It is hard to envision precisely how to achieve such a reversal.

(Eminent jurist Borwornsak Uwanno told the Ambassador it could conceivably come in the form of a political amnesty or a royal pardon, although he believed both these scenarios were unlikely.) For the time being, we suspect that the disenfranchised TRT politicians will find adversarial, indirect maneuvers to be a more appealing option than either outright conflict or resigning themselves to the five-year ban.

BOYCE